

REMARKS

In the office action dated November 26, 2008, the Examiner rejected claims 33-65 under 35 U.S.C. 103 (a) as being unpatentable over *Vialen et al* (US 6.917807) in view of *Czaja et al* (US 7,006,828).

The applicant believes the presently pending claims are not made obvious by the cited art. The cited art does not meet the requirements of a prima facie case of obviousness, which requires the cited art to include each element of a so-rejected claim (MPEP §2143). Each currently pending independent claim includes limitations to the UE establishing a candidate cell set, the cells for UMTS-based networks, the UE selecting one cell from the candidate set, and further where selected cell is used when transitioning to the idle state, or, from a first connected mode state to a second connected mode state where the first and second connected mode states are each one of Cell_FACH, Cell_PCH and URA_PCH.

Claims 33 & 42

Vialen is concerned with methods of signalling between the network and the UE, rather than the apparatus in the UE. In the network context, *Vialen* teaches cell selection on transitioning out of dedicated channel mode (DCH) into common channel mode (CCH).

As noted by the examiner in relation to claim 33, *Vialen* fails to specifically disclose transitioning from a connected mode state to an idle state; selecting a candidate cell from the identified set of candidate cells where at least one of the candidate cells is a cell which is not currently supporting the connected mode state; and transitioning to an idle mode state.

Similarly, in relation to claim 42, the examiner acknowledges that *Vialen* fails to specifically disclose a processor and operating environment configured to run software processes, the software processes configured to enable the MCE to transition from a connected mode state to an idle mode state; select a candidate cell from the identified set of candidate cells where at least one of the set of candidate cells is a cell which is not currently supporting the connected mode state; and transition to an idle mode state.

Czaja teaches an improved soft handoff procedure which reduces interference for a connected moving handset. There is no change in mode associated with a handoff. *Czaja* therefore fails to disclose transitioning to an idle mode state.

In the official action the examiner refers to *Czaja* (col 4., lines 18-27) which discusses switching from the CDMA channels of the target base station resulting in a momentary interruption in the continuity of the radio link between the mobile station and the base stations. The momentary interruption in the continuity of the radio link does not correspond to a transition to an idle mode as appears in claims 33 or 42.

It is apparent from *Czaja* that the momentary interruption referred to in col 4 lines 18-27 is a transitory state which arises during the course of a hard hand over operation when switching between the CDMA channels of a serving base station to the CDMA channels of a target base station.

In contrast to the momentary interruption of connection disclosed in *Czaja*, an idle mode is a distinct state a UE in a cell may be in which the UE has limited communication with a PLMN which is distinguished from the “detached” – i.e. unconnected and “connected” states (see for example [0017] of the present application).

Thus for example as is disclosed in paragraphs [0016] – [0020] of the present application when a UE is switched on it goes into idle mode. In this mode a PLMN is

selected and the UE searches for a suitable cell to “camp on”. Camping on a cell means that the UE has chosen that cell to provide services. Once a UE is camped on a cell it can receive system information blocks from the PLM including registration information and the UE attempts to register using the non-access stratum. If successful the UE can receive paging an notification messages from the PLMN and initiate call setup for outgoing calls or other actions. If unsuccessful the UE goes to the “any cell selection” state and thence to the “camped on any cell” state. Once camped on any cell the UE may still be able to obtain limited services such as emergency calls.

Thus for the at least above reasons it is contended that because *Czaja* does not disclose transitioning to an idle mode state as claimed, the combination of *Vialen* and *Czaja* does not render claims 33 and 42 obvious.

Claims 51 and 59

In relation to claim 51, the examiner acknowledges that *Vialen* fails to specifically disclose when transitioning from a first connected mode state to a second connected mode state; selecting a candidate cell from the identified set of candidate cells where at least one of the candidate cells is a cell which is not currently supporting the first connected mode state; and transitioning to the second connected mode state using the selected candidate cell, where the first and second connected mode states are each one of Cell_FACH, Cell_PCH and URA_PCH.

Similarly, in relation to claim 59, the examiner acknowledges that *Vialen* fails to specifically disclose a processor and operating environment configured to run software processes, the software processes configured to enable the MCE to transition from a connected first connected mode state to a second connected mode state; select a candidate cell from the identified set of candidate cells where at least one of the set of candidate cells is a cell which is not currently supporting the connected first connected mode state

and transition to the second connected mode state using the selected candidate cell, where the first and second connected mode states are each one of Cell_FACH, Cell_PCH and URA_PCH.

The Cell_FACH, Cell_PCH and URA_PCH Cell states are all defined in paragraphs [0024] – [0029] of the present application as:

CELL_FACH State:

No dedicated physical channel is allocated to the UE. The UE camps on a serving cell and continuously monitors a FACH in the downlink. The UE is assigned a default common or shared transport channel in the uplink, for example a random access channel ("RACH"), that it can use at any time according to the access procedure for that transport channel. The position of the UE is known by the UTRAN on cell level according to the cell where the UE last made a cell update.

CELL_PCH State:

No dedicated physical channel is allocated to the UE. The UE camps on a serving cell and selects and monitors a paging channel, using an associated paging indication channel ("PICH"). No uplink activity is possible. The position of the UE is known by the UTRAN on cell level according to the cell where the UE last made a cell update in CELL_FACH state.

URA_PCH State:

No dedicated physical channel is allocated to the UE. The UE camps on a serving cell and selects and monitors a paging channel, using an associated PICH. No uplink activity is possible. The location of the UE is known on UTRAN

Registration Area ("URA") level according to the URA assigned to the UE during the last URA update in CELL_FACH state.

In the official letter, the examiner refers to col 7 lines 1-12 of *Czaja* which discusses transmitting data between a mobile station and a base station via a forward and a reverse channel. This portion of *Czaja* does not disclose Cell_FACH, Cell_PCH and URA_PCH Cell states as disclosed in paragraphs [0024]-[0029]

Further as noted above *Czaja* teaches an improved soft handoff procedure which reduces interference for a connected moving handset. There is no change in mode associated with a handoff. *Czaja* therefore does not disclose transitioning between a first and a second connected mode states. Thus *Czaja* fails to disclose first and second connected mode states which correspond to Cell_FACH, Cell_PCH and URA_PCH as defined by paragraphs [0024]-[0029].

Thus for the at least above reasons it is contended that because *Czaja* fails to disclose transitioning between a first and a second connected mode states or connected mode states which correspond to Cell_FACH, Cell_PCH and URA_PCH as defined by paragraphs [0024]-[0029] the combination of *Vialen* and *Czaja* does not render claims 51 or 59 obvious.

The Dependent Claims

Applicants believe the dependent claims include further features giving patentability. However, since the presently pending independent claims are believed patentable for at least the reasons discussed above, and since each dependent claim inherits the limitations of the independent claim from which it eventually depends, for at least the same reason discussed above each pending dependent claim is also patentable. Further arguments are not reached at this time.

In light of the foregoing, independent claims 33, 42, 51, and 59, as well as the remaining dependent claims, are believed to be in condition for allowance. Accordingly, reexamination and reconsideration for allowance of the claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

/Robert H. Kelly/

Robert H. Kelly
Registration No. 33,922

KELLY & KRAUSE, L.P.
6600 LBJ Freeway, Suite 275
Dallas, Texas 75240
Telephone: (214) 446-6684
Fax: (214) 446-6692
robert.kelly@kelly-krause.com